

Memo



To: Desta McAdam, Planner, City of Belleville
From: Whitney Moore, Associate, Dillon Consulting Limited
cc: Greg Pinchin, City of Belleville
Date: September 7, 2022
Subject: Peer Review of the Environmental Impact Study Addendum for the Proposed Draft Plan of Subdivision (B-77-1115- Hanley Park North Subdivision)
Our File: 22-4487

1. Introduction

Dillon Consulting Limited (Dillon) was retained by the City of Belleville (the “City”) to provide Peer Review Consultant (PRC) services and complete a peer review of the December 2021 Addendum to Environmental Impact Study (EIS) – Hanley Park North Subdivision, City of Belleville, prepared by Palmer and Michalski Nielson Associates Limited for the Proposed Draft Plan of Subdivision (B-77-1115- Hanley Park North Subdivision). For the peer review, other relevant materials including correspondence from Quinte Conservation Authority dated March 1, 2021 and May 6, 2022 were also reviewed for context.

The Hanley Park North site (the “property”) is located north of Victoria Avenue and east of Mercedes Meadows in Belleville, Ontario. The property is legally described as Lots 14 and 15, Concession 1, in the City of Belleville’s east end. The property is designated as Residential Land Use and Environmental Protection (EP) in Schedule B of the City’s Official Plan (OP), 2002. The EP designation corresponds to the Provincially Significant Bell Creek Wetland Complex located within the central and northern portions of the property. The remainder of the property designated as residential currently contains woodland and trails created by the public that have been in use now for several years. We understand the current Draft Plan of Subdivision proposes to create a total of 103 residential lots consisting of 74 single detached unit and 29 freehold townhouse units; three park blocks, two walkways and a stormwater management facility. The lots are to gain access from a new municipal street extending from Tessa Boulevard and a small extension to Spruce Gardens, and will be connected to the existing sanitary and watermain within Spruce Gardens and Tessa Boulevard. Storm sewers will be provided to service the subject lands. Drainage for the northern lands will generally be conveyed toward the park block and drainage for the southern lands will be conveyed toward the southeast to the proposed SWM facility block.

The peer review was prepared by Whitney Moore, an Associate at Dillon with over 11 years of environmental permitting and approvals and natural resource management experience. Whitney is a Senior Biologist and Project Manager.

2. Peer Review Approach

The overall objective of the peer review assignment was to review the methodology, conclusions and recommendations of the Addendum to the EIS Report for alignment and conformance with applicable

environmental legislation and regulations and natural heritage policies and guidance documents, such as the following:

- Provincial Policy Statement (2020);
- Natural Heritage Reference Manual (2010);
- Significant Wildlife Habitat Criteria Schedules for Eco-Region 6E (2015);
- The City of Belleville Official Plan (2002);
- Ontario Regulation 319/09 – Quinte Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses;
- Quinte Conservation Watershed Regulations Policy Manual (2019);
- Endangered Species Act (ESA, 2007);
- Migratory Birds Convention Act (1994); and
- Fish and Wildlife Conservation Act (1997).

The Addendum to EIS report was reviewed for conformance with the above notes policies and consistency with the industry best practices in Ontario. The review included an assessment of the EIS methodologies, existing site conditions, identified environmental features and sensitivities, proposed EIS/ Addendum to the EIS conclusions and commitments, and recommended mitigation, monitoring and restoration activities, as applicable. The technical peer review generally focused on how natural heritage features, including woodlands, wetlands, habitat of endangered and threatened species, and significant wildlife habitat (SWH), could be affected directly or indirectly by anticipated construction impacts and post-construction residual impacts.

Alternative approaches and recommendations have been identified to support the City in the review of environmental regulatory and policy compliance considerations as well as to assist the City in the planning approvals process. In addition, we've identified impact avoidance, mitigation and ecological restoration that should be explored during the current Draft Plan Approval process or which could be addressed as Conditions of Draft Plan Approval prior to final approval for the Plan of Subdivision.

In addition to the EIS Report and Addendum, the following documents were reviewed to provide context for the EIS peer review:

- Environmental Impact Study and Environmental Impact Study Addendum;
- Planning Justification Report;
- Landscape Site Development Plan;
- Stormwater Management Report;
- Draft Plan of Subdivision; and
- Flow Monitoring Review.
- Quinte Conservation comments on the first and second submission documents; and

- Public comments received to date.

A site reconnaissance visit to assist in the review of the existing condition summaries and to gain an understanding of the natural environment feature sensitivities on the property was completed on July 8, 2022 from 11:00 am to 12:00 pm. The weather conditions during the site visit were warm and sunny, low wind (1-2 Beaufort Wind Scale) and the temperature was 22°C.

3. Peer Review Comments

The EIS peer review comments are provided in **Table 1** attached to this Memo.

4. Overall Peer Review Conclusion and Recommendations

The following are the overall conclusions and recommendations of the Hanley Park North Addendum to EIS Peer Review:

- It is recognized some report revisions and additional materials (i.e. detailed mitigation, ESC plans, environmental monitoring plans, etc.), will be required prior to issuance of final approval for the Plan of Subdivision. The PRC understands that these *Planning Act* approval determinations will be made by the City council; and
- Dillon is in general agreement with the overall conclusion/opinion of the Addendum to the EIS Report with respect to the proposed development proceeding beyond the Draft Plan Approval stage contingent upon the following:
 - An ESA 2007 Information Gathering Form (IGF) be submitted to MECP so that a determination can be made as to whether the project contravenes the ESA 2007.
 - An evaluation of removal of the Significant Woodland is completed in accordance with section 3.5.5 of the City's Official Plan.
 - An evaluation of the potential for impacts to Significant Wildlife Habitat is completed.
 - A fulsome discussion of potential impacts and mitigation measures is included.
 - The peer review comments outlined in this report are addressed through a revision to the Addendum to EIS Report during this stage of the planning process or as Conditions of Draft Plan Approval.

Item #	Addendum to EIS Report Page	Comment Category	Applicable Legislation / Regulations / Policies / Guidance Documents	Comment	Proponent Response	Final Comment
1	Page 2	Introduction	Natural Heritage Reference Manual (MNR, 2010) (NHRM)	<p>The Addendum to EIS Report (the "report") states that <i>"Our analyses which follows is scientifically based and conforms to Evaluation Criteria for Determining Significance of Woodlands set out in the Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement..."</i> The PRC is in agreement that in absence of local criteria (i.e. set out in local municipal Official Plans) the NHRM is the correct criteria to apply. While the PRC agrees with the descriptions of the ELC communities and the determination that FOMM4-2 community is low in diversity and specific habitat function (based on one high-level site visit in July 2022, during which specific delineation or staking of features or communities was not completed), the PRC disagrees with the application of the evaluation criteria as you cannot consider a woodland in sub-units unless there are breaks of greater than 20 m in the canopy (e.g. highway, etc.). This is outlined in Table 7-2 on page 68 of the in the NHRM; <i>"Woodland areas are considered to be generally continuous even if intersected by narrow gaps 20 m or less in width between crown edges."</i></p> <p>Since the entire woodland meets the PPS definition, and the Forestry Act definition of a woodland, the whole area must be included in the delineation of the Significant Woodland. This reflects the comments provided by Quinte Conservation (QC) in May, 2022.</p> <p>PPS:</p> <p><i>Woodlands: means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.</i></p> <p>Forestry Act:</p> <p><i>Under the Forestry Act, "woodlands" means land with at least:</i></p> <ul style="list-style-type: none"> <i>• 1,000 trees of any size per hectare; or</i> <i>• 750 trees measuring over 5 centimetres in diameter, per hectare; or</i> <i>• 500 trees measuring over 12 centimetres in diameter, per hectare; or</i> <i>• 250 trees measuring over 20 centimetres in diameter, per hectare</i> <p><i>but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees</i></p> <p>More comments on this below.</p>		

2	Page 3	Approach to Re-evaluating Revised Hanley Park North Draft Plan of Subdivision	Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015)	<p>It is mentioned that one Wood Thrush was observed, which would not be an indicator of breeding in itself, but nonetheless, it was noted within the FOMM5-2 community which is preferable habitat for the species and is being protected.</p> <p>The term “area-sensitive species” is also used in this section. Something that is missing from the report as well as the original EIS, is a fulsome screening and discussion on Significant Wildlife Habitat (SWH). The original EIS quotes the correct guidance document for SWH (the Ecoregion Criteria Schedules) but states that a SWH analysis was not undertaken, given that the only significant feature is the PSW, which is not the case. There could be several other significant natural heritage features including SWH (and the Significant Woodland). Significant Wildlife Habitat is not evaluated by the MNRF and must be assessed for each individual development application by proponents.</p> <p>The discussion is highly focused on the tablelands in which the development is proposed. While the FOMM4-2 community is unlikely to provide direct SWH based on current composition, the evaluation should consider adjacent impacts to the PSW. For example, amphibian breeding surveys were conducted in accordance with the appropriate protocols, however there is no discussion of the results. Based on the results, the PSW provides SWH for Amphibian Breeding Habitat (wetland) as there were 2 or more indicator species (American Toad and Western Chorus Frog) with greater than 20 individuals noted, or call codes of 3. The presence of SWH adjacent to the development may not necessarily change anything in terms of planning of the subdivision (although some could); however they are important to tell the whole story of the property and the adjacent uses and help to determine impacts and appropriate mitigation measures for development. The PRC understands that no specific survey work was done within the PSW which makes sense in this scenario, however a quick screening of the Criteria Schedules would suggest that the following habitats (at a minimum) should be considered as Candidate SWH based on the nature of the PSW and the species noted in the wetland evaluation and through on-site observations:</p> <ul style="list-style-type: none"> • Turtle Wintering • Waterfowl Nesting Area • Turtle Nesting Area • Marsh Bird Breeding Habitat <p>Note that for Waterfowl Nesting Areas, the habitat includes a radius of 120 m from a wetland. An analysis of whether the 120 m buffer would be required in this case should be undertaken.</p> <p>The PRC agrees with the conclusions regarding bat habitat based on the July 2022 site visit. As bats have been listed as SAR since the issuance of these guidelines, they are discussed below.</p>		
3	Page 3	Approach to Re-evaluating Revised Hanley Park North Draft Plan of Subdivision	Endangered Species Act, 2007 (ESA)	<p>The PRC agrees that FOMM4-2 community provides little to no habitat for SAR bats or SWH. Based on the lack of suitable habitat for bats within the area proposed for development, recommendations for installation of bat boxes appears to be a suitable mitigation measure to prevent impacts to the species, however it is recommended that the number of boxes/ approach be confirmed with MECP. Understanding that the ESA, 2007 is a proponent driven piece of legislation, consultation with the MECP is being recommended based on the occurrences of Least Bittern in the PSW. Acknowledging Least Bitterns do not have a General Habitat Description under the ESA, they typically require a buffer of 100 m from the wetland habitat in which they reside. There could be flexibility in this depending on existing conditions, however the approach should be confirmed with MECP. In addition, specialized mitigation may be required/ recommended which could include limiting backlot lighting (timers, angles, etc.) into the wetland which is a disruptor to Least Bittern habitat. It should be noted that these types of measures are recommended regardless of whether Least Bittern are present as a measure to reduce disturbance to the wildlife using the wetland including amphibians, which is a confirmed SWH.</p> <p>MECP consultation is also recommended based on the potential presence of Blanding’s Turtle. The PRC acknowledges that no Blanding’s Turtle occurrences appeared in the NHIC squares, however, there are</p>		

				records of Blanding's Turtles in the vicinity of the property (NHIC squares to the east, west, south and north), and based on their habitat description, their habitat includes wetlands within 2 km of occurrences (plus buffers).		
4	Page 4-6	Determination of Woodland Significance (1-2)	NHRM City of Belleville Official Plan (OP)	<p>Based on one site visit in July 2022, determinations made by the PRC regarding the composition and function of the FOMM4-2 community appear to be consistent with the Addendum to the EIS report.</p> <p>However, as mentioned above, a woodland can't be broken down into specific communities to apply the evaluation criteria, but must be considered as a whole woodland, as per the Forestry Act definition. Using the 5-15% threshold is a conservative way to approach the evaluation (and is a good practice in scenarios where tree cover varies across a geographic area), but should be in consideration of the entire feature. The Addendum to the EIS does include detailed evaluation of each of the criteria, which is great, however not at the correct scale.</p> <p>It is acknowledged in 2. Ecological Criteria that based on interior habitat alone, that woodland (community) would be considered significant (i.e. the entire woodland would be significant and almost the entire woodland interior within the property is located within that community). Furthermore, excluding something on the basis of it being too small is contradictory when the NHRM states that size should not be considered solely and even meeting one of the other criteria may make a woodland significant.</p> <p>Similarly, the proximity metric cannot be applied here as this is referring to woodland patches, or woodlands within proximity of other features. For example if there was a smaller woodland not directly connected, but within 30 m of a wetland or watercourse, it could be considered significant. This can't be applied at the community level. Lastly linkage functions include movement corridors, dispersal corridors etc. connecting features to features, a buffer of existing woodland cannot be considered as a linkage. This would be considered retaining some part of a linkage. By definition, if the FOMM4-2 community was considered as a stand-alone, this would be considered Significant Woodland based on both the proximity and linkage criteria.</p> <p>In terms of diversity, the report states <i>"more native diversity is more valuable than less diversity, which we think is key to discriminating between the two wooded areas."</i> The PRC recommends that the detailed analysis of this FOMM4-2 community be used together with section 3.5.5 of the City's OP to provide evidence for or against retaining that portion of the Significant Woodland, rather than to exclude it from the Significant Woodland designation.</p> <p>As per the PPS, Significant Woodland can be removed where you can demonstrate no negative impacts to the overall feature. Section 3.5.5 of the City OP includes a description of the Significant Woodlands that would warrant an Environmental Protection designation, and therefore protection.</p>		
5	Page 7	Revised Draft Plan of Subdivision	Provincial Policy Statement, 2020 (PPS) City OP Section 3.5.6	<p>In this section, the report states that <i>"there will be no negative impacts on the PSW from the revised proposal; more specifically, there will be no site alteration or development within the feature, and all of its functions will be more than adequately protected by a 30 m buffer, which will virtually encompass the entire property. The same can be said of ELC unit FOMM5-2..."</i> It's a little confusing as to why this statement has changed from the original EIS that indicated there would be unavoidable impacts to features as a result of development.</p> <p>The justification for the 30 m PSW buffers and the removal of the FOMM4-2 community in the remainder of this section are well laid out and explained, however the buffer alone is not going to mitigate potential impacts. The buffer should be considered as part of an overall mitigation plan in addition to other detailed mitigation measures specific to surface flow, wildlife, the woodland and the wetland. Several mitigation measures would need to be implemented and maintained in order to avoid potential negative impacts to the surrounding woodland and PSW. These could include, but are not limited to, installation of erosion</p>		

				<p>and sediment control (ESC) measures (through an ESC plan), wildlife exclusions fencing, timing of vegetation removal, installation of lighting, etc.</p> <p>Overall, there needs to be a more fulsome discussion on potential impacts and mitigation measures, specific to woodland and PSW features. Some of these will be confirmed through detailed design of the project, but in general, more specific impacts such as changes to impervious cover, colonization of invasive species, anthropogenic disturbances, removal of trees, and disturbance to SAR and SWH should be specifically outlined. This requirement is outlined as part of the City's EIS requirements in section 3.5.6 of the OP. This should include a discussion on the hydrology of the PSW that can be pulled from other consultant report (e.g. hydrogeology study).</p> <p>In addition, it is recommended that detailed ESC plans, and Edge Management Plan and an Environmental Monitoring Plan (EMP) (at minimum) be created for the development. Due to the sensitivity of the wetland habitat, and EMP would be recommended to include pre-construction wildlife and vegetation surveys within and adjacent to the PSW to establish monitoring points and gather baseline data, and a multi-year post-construction surveys to monitor for changes in wildlife and vegetation communities as a result of the development.</p>		
6	Page 10-11	Revised Draft Plan of Subdivision	Best Practices	<p>In terms of the recreational trail/ pathway, should the City and QC approve, it would be recommended that the buffer width increase to accommodate the pathway. This is a practice implemented in many other geographies across Ontario where recreational trails are located.</p>		